

Notice of Allowability

Application No.

09/805,188

Examiner

Tu T. Nguyen

Applicant(s)

MORIOKA ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/13/2004.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☒ The drawings filed on 14 March 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/535,577.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Melvin Kraus on 09/13/2004.

The application has been amended as follows:

- 1) Claim 1, line 15, change "the processing" to – the first processing –
- 2) Claim 6, line 6, change "utilizing a plural" to -- utilizing a detecting apparatus including a plural –
- 3) Claim 6, line 8, change "devices while" to – devices and while –
- 4) Claim 6, line 19, change "the data of" to – data of –
- 5) Claim 8, line 6, change "utilizing a plural" to -- utilizing a detecting apparatus including a plural –
- 6) Claim 8, line 8, change "devices while" to – devices and while –
- 7) Claim 10, line 6, change "utilizing a plural" to -- utilizing a detecting apparatus including a plural –
- 8) Claim 10, line 8, change "devices while" to – devices and while –

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9) Claim 15, line 5, change “units and which is” to – units, the at least one detecting unit being –

10) Claim 17, line 10, change “unit and receives” to – unit and which receives –

11) Claim 20, line 5, change “units and which is” to – units, the foreign particle detecting unit being –

12) Claim 20, lines 6-7, change “line, the foreign particle detecting unit” to – line and –

13) Claim 20, line 11, change “processing which” to – processing unit which –

14) Claim 20, line 14, change “processed data” to – processed data of the foreign particle detecting processing unit –

15) Claim 22, line 7, change “a substrate” to – the substrate –

16) Claim 23, line 2, change “defect is” to – defects are –

17) Claim 24, line 2, change “defect is” to – defects are –

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Prior arts of record do not disclose detecting foreign particle defects on a substrate by a foreign particle detection means having a pitch variable spatial filter to cut a light reflected from a pattern formed on the substrate, a cutting portion of the pitch variable spatial filter being pitch variable according to the pattern, and the foreign particle detection means being attached to at least one processing apparatus which is a component of a semiconductor fabricating system, sending a detected signal from the foreign particle detection means to a foreign particle detecting processing apparatus which is separate from the foreign particle detection means which structurally arranged and functionally operated as claimed in claims 1,4,6,8,10,12,15,17,20,22.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T. Nguyen whose telephone number is (571) 272-2424. The examiner can normally be reached on T-F 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Toatley Jr. can be reached on (571) 272-2800 Ext. 77. The fax

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phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tu T. Nguyen
Primary Examiner
Art Unit 2877

09/18/2004